1817.

SUPREME COURT OF THE UNITED STATES.

No. 88.

THE UNITED STATES, APPELLANT,

VERSUS

ANTONIO HUERTAS.

APPEAL FROM THE SUPERIOR COURT OF EAST FLORIDA.

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Before the honorable the judge of the superior court for the eastern district of Florida, and specially authorized by law to receive and adjudicate claims and titles to lands in the district of East Florida:

Be it remembered, that, on the twenty-first day of May, in the year of our Lord one thousand eight hundred and twenty-nine, Antonio Huertas, by Benjamin A. Putman his attorney, brought and filed in the clerk's office of the superior court for the eastern district of Florida, his petition or claim to certain land therein mentioned; which said petition or claim is in the words and figures following, to wit:

PETITION FOR CONFIRMATION.

Superior Court for East Florida.

ANTONIO HUERTAS,
vs.
THE UNITED STATES.

To the honorable Joseph L. Smith, judge of the superior court for the district of East Florida, and specially authorized by law to receive and adjudicate claims to land within said district:

The petition of Antonio Huertas respectfully showeth unto your honor, that he claims title to a tract of land, containing fifteen thousand acres of land, within the district of East Florida aforesaid, and within the jurisdiction of this honorable court, situate on a creek running from the west, and uniting with the river St. John, about twelve miles to the south of Lake George, its measurement commencing about four or five miles to the west of said river St. Johns.

Your petitioner further showeth that his title to said land is derived from a grant marked exhibit A, and hereto annexed, made by the Spanish Government, and dated 15th September, 1817.

And your petitioner further showeth that his claim to said land was submitted to the examination of the board of commissioners appointed under and in virtue of an act of the Congress of the United States of America, entitled "An act amending and supplementary to an act for ascertaining claims and titles to lands in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," passed the 3d day of March, 1823.

And your petitioner further showeth that the land above claimed is embraced by the treaty between Spain and the United States of the 22d of February, 1819, and that it has not been decided or finally settled under the provisions of the act of Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed 23d day of May, 1828, or of any of the acts to which the said last recited act is supplementary.

And your petitioner further showeth that his claim contains a greater quantity of land than the commissioners appointed under the said act of Congress were authorized to decide, and above the quantity confirmed by the aforementioned act of Congress, passed the 23d day of May, 1828; and that the claim of your petitioner to said land has not been reported by the said commissioners appointed under any of the aforesaid acts of Congress, or any other, or by the register and receiver acting as such under the several acts of the Congress of the United States in such case made and provided, as antedated or forged; and that the said claim hath not been annulled by the aforesaid treaty between Spain and the United States, nor by the decree of the King of Spain ratifying the same.

Wherefore, your petitioner prays that the validity of his claim may be inquired into, and decided upon, by this honorable court; and that, in pursuance of an act of the Congress of the United States for that purpose in that case made and provided, the United States be made a party defendant to this petition, and that process int his behalf do forthwith issue against Thomas Douglass, esquire, the attorney for the United States in the eastern district of Florida, according to the provisions of the said act of Congress above alluded to.

And your petitioner will ever pray, &c.

B. A. PUTNAM, *Attorney for Petitioner.*

A copy of the above petition, with a citation thereto annexed, was delivered to the marshal of this district, to serve on the attorney of the United States for the same district; and the return of the said marshal thereon, is in the words and figures following, to wit: "Served copy on Thomas Douglass, esquire, U. States' attorney, the 3d June, 1829."

"WATERS SMITH, *Marshal.*"

And afterwards, to wit: on the first day of July, in the year of our Lord one thousand eight hundred and twenty-nine, Thomas Douglass, esquire, United States' attorney for the district of East Florida, brought and filed in the clerk's office aforesaid his answer to the said petition, which said answer is in the words and figures following, to wit:

ANSWER OF U. S. ATTORNEY.

Superior Court, November Term, in the year of our Lord 1829.

UNITED STATES OF AMERICA,
ats.
ANTONIO HUERTAS.

The answer of Thomas Douglass, United States' attorney for the District of East Florida, to the petition or bill of complaint of Antonio Huertas.

The said attorney, in the name and on behalf of the same United States, saving and reserving to them now, and at all times hereafter, all and all manner of benefit of exception to the manifold errors, defects, and irregularities in the said petition or bill of complaint contained, for answer thereunto, or unto so much thereof as it is material and necessary for them to answer unto, answereth and saith: That he does not know, nor has he any reason to believe, that any such grant of lands was ever made by the Spanish Government to the said Antonio Huertas for the tract of fifteen thousand acres of land, which is by the said Antonio Huertas, in his said petition or bill of complaint claimed and described in manner and form as the said Antonio Huertas has therein alleged and set forth, and cannot therefore admit the same to be true, but respectfully prays this honorable court to require of the said Antonio Huertas due proof of the making and execution of the said grant, (if any such was made,) and of all the matters and things by the said Antonio Huertas in his said petition or bill of complaint thereof alleged and set forth, as they are therein stated, according to law and the usages of courts of equity.

And this respondent admits that he has seen the original document, a copy of which is annexed to the said petition or bill of complaint aforesaid, as exhibit A, and made a part thereof, and which it is pretended is a grant of the said land made by Governor Coppinger to the said Antonio Huertas, on the fifteenth day of September, in the year of our Lord one thousand eight hundred and seventeen; but whether the said document was or was not made and executed by the said Governor Coppinger as a grant of the said lands to the said Antonio Huertas, this respondent has no knowledge, and cannot therefore either admit or deny the same, but respectfully prays this honorable court that the said Antonio Huertas may be required to adduce due proof thereof in manner and form as aforesaid; and avers that if any such grant was made by the said Governor Coppinger to the said Antonio Huertas of the said tract of land, it was made contrary to, and in violation of the laws, ordinances, and royal regulations of the said Government of Spain, which were in force in the province of East Florida at the time when the said

pretended grant is alleged to have been made providing for the granting of lands in its provinces, of which said provinces East Florida was then one, and without any authority on the part of the said Governor Coppinger to make it, and that it was never approved by the King of Spain, and that it was and is wholly null and void, all of which will more fully appear by reference to the aforesaid laws, ordinances, and royal regulations which this respondent prays leave to introduce and read on the hearing of this cause. And this respondent avers that no power had been conferred upon the said Governor Coppinger by the Spanish Government aforesaid, at the time when the said supposed grant is alleged to have been made as aforesaid, to make grants of land in East Florida of the magnitude and description of the one now claimed by the said Antonio Huertas in this suit; and this respondent prays this honorable court that the said Antonio Huertas may be required to show and prove, upon the hearing of this cause, the specific powers which have been conferred upon the said Governor Coppinger to make grants of land in East Florida, at the time when the said supposed grant is alleged to have been made, and particularly that he may be required to show and prove at the said hearing the specific powers under which the said Governor Coppinger claimed to act in making the said supposed grant, if any such was ever made as is last above mentioned.

And this respondent farther avers that, at the time when the said supposed grant is alleged to have been made as aforesaid, it was, and for a long space of time had been, the fixed and settled policy of the Government of Spain to parcel out its colonial domain in reference solely to the object of increasing the population of its provinces, and that, according to that policy, grants for the purpose of speculation were never approved or tolerated by the King of Spain, and that the said grant was obtained by the said Antonio Huertas, (if obtained at all) for the purpose of speculation only; and farther, that, if the said grant was good and valid, the said Antonio Huertas has, by a total failure to settle, occupy, or cultivate the said tract of land ever since the time when it is alleged that the said grant was made as aforesaid, wholly forfeited and lost all claim or title, (if any he ever had) thereto, and to every part and parcel thereof.

And this respondent farther saith, that, at the time when the said supposed grant is alleged to have been made as aforesaid, the said Antonio Huertas was a Spaniard and a subject of the King of Spain; and this respondent suggests that if the said Antonio Huertas has a grant for the said tract of land, bearing date on the said fifteenth day of September, in the said year 1817, the said grant was antedated, and that it was in truth and in fact made since the twenty-fourth day of January, one thousand eight hundred and eighteen, and that it is rendered null and void by the latter clause of the eighth article of the treaty of the twenty-second day of February, one thousand eight hundred and nineteen, between the United States and his Catholic Majesty, the King of Spain.

And this respondent admits that the said Antonio Huertas did present his claim for the said land to the board of commissioners in his said petition or bill of complaint mentioned. And this respondent farther saith, that, if the said grant of the said tract of land was made as aforesaid, the said Antonio Huertas has, by a total failure to occupy, cultivate, or improve the same for the space of more than eleven years last past, wholly forfeited and lost all his right and title, (if any he ever had) thereto.

And now, having fully answered all the matters and things in the said pe-

tition or bill of complaint alleged and set forth, the said attorney prays that the said United States may be thereof discharged, and that their reasonable costs and charges by them in and about the defence of this suit paid, laid out, and expended, may be adjudged and decreed to them, &c.

THOMAS DOUGLASS,
United States' Attorney, &c.

And afterwards, to wit, on the twenty-first day of September, in the year of our Lord one thousand eight hundred and thirty, the said Antonio Huertas, by his said attorney, brought and filed in the clerk's office aforesaid his replication; which said replication is in the words and figures following, to wit:

REPLICATION.

Superior Court, District of East Florida.

ANTONIO HUERTA
vs.
THE UNITED STATES. } 15,000 acres of land.

The replication of Antonio Huertas, complainant, to the answer of the United States, defendant, by Thomas Douglass, their attorney:

This replicant, saving and reserving to himself all and all manner of advantage of exception which may be had and taken to the manifest errors, uncertainties, and insufficiences of the said defendants' answer, for replication thereunto, saith, that he doth, and will aver, maintain, and prove his said bill of complaint to be true, certain, and sufficient in the law to be answered unto by the said defendants; and that the answer is very uncertain, evasive, and insufficient in the law to be replied unto by the replicant, without that, that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, and herein and hereby well and sufficiently replied unto, confessed or avoided, traversed or denied, is true; all which matters and things this replicant is ready to aver, maintain, and prove, as this honorable court shall direct, and humbly prays, as in and by his said bill he hath already prayed, &c.

B. A. PUTNAM, *Sol. for Compt.*

Documents offered and received in evidence in this case on behalf of the said claimant, being translations made by the translator and interpreter of this court from copies furnished and duly certified by the keeper of the public archives for East Florida, and numbered from one to ten inclusive, as follows, viz.

No. 1.

MEMORIAL OF HUERTAS TO SPANISH GOVERNMENT FOR GRANT.

Translation.

His Excellency THE GOVERNOR:

Don Antonio Huertas, an inhabitant of this city, with due respect, represents to your excellency, that, notwithstanding he did obtain a grant of ten thousand acres of land on the twenty-seventh of March, one thousand eight hundred and thirteen, for the purpose of growing cattle, which has been in

his occupation for many years past, as the said concession is almost entirely composed of pine lands, and very little of it is fit for cultivation, and as your petitioner is one of those who, by their notorious and unremitted services rendered in the defence of this province, and in their capacity of first settlers thereof, are entitled to a greater number of acres in conformity to the laws on the subject and the character of the services rendered; and as those rendered by your petitioner are well known to your excellency, he omits here the narration of them, it being notorious that he has served his Majesty from the time he was eighteen years old, and that he has provided extraordinary supplies for the garrison of this place in calamitous and rebellious times, sacrificing his private interests, and exposing himself to dangers, by which means it may be said that the said garrison has been preserved from destruction: Therefore, your petitioner supplicates your excellency to be pleased to grant him fifteen thousand acres of land, in absolute property and ownership, to be located on a stream running west of St. John's river, and emptying itself into it at the distance of about twelve miles south of the Lake George; and the survey to begin at about four or five miles west of the said river St. John, so that the said stream will divide the tract in two parts. The title in form will be postponed until your petitioner will have the opportunity to proceed to the survey and demarcation of the said tract executed by some intelligent person; which operation connot be performed now, both because there are at this day great difficulties to encounter, and on account of the absence of the surveyor, Don George Clarke, appointed for that purpose by the Government: and this favor your petitioner expects to receive from the justice of your excellency.

St. Augustine, on the fifteenth of September, one thousand eight hundred and seventeen.

ANTONIO HUERTAS.

GRANT TO HUERTAS FOR FIFTEEN THOUSAND ACRES OF LAND.

Decree.

St. Augustine, on the fifteenth September, one thousand eight hundred and seventeen.

In attention to what this petitioner represents, and whereas the services he mentions are well known, I grant to him, in the name of his Majesty, and of his royal justice which I administer, the fifteen thousand acres of land which he solicits, in order that he may possess and enjoy them in absolute property and ownership; and in testimony of this grant, a certified copy of this expedient will be given to him, and the expedient will be deposited in the secretary's office, from which the titles in form will be issued when the survey and plats will be executed in the manner expressed by the interested party.

COPPINGER.

No. 2.

PETITION FOR, AND ORDER OF SURVEY.

Translation.

His Excellency THE GOVERNOR:

Don Antonio Huertas, an inhabitant of this city, with the greatest respect, represents to your excellency, that he has determined to proceed to

the survey and delineation of fifteen thousand acres of land; which, by a grant of the 15th September, he obtained from your excellency, in absolute property, as a reward for his services, on a stream which runs from the west, and unites itself with the river St. John, about twelve miles south of the Lake St. George, the survey being to be commenced four or five miles west of the said river St. Johns, and the tract divided in two parts by the said stream; for which purpose, he supplicates your excellency to qualify the surveyor Don Andres Burgevin, in order that, with the usual formalities, he may execute the said survey in four parcels, one of which of two thousand five hundred acres, another of one thousand and five hundred, and another of six hundred acres, and the remaining parcel of ten thousand and four hundred acres, and form the several parts: which favor he hopes to receive from the justice of your excellency.

ST. AUGUSTINE OF FLORIDA, 13*th of December*, 1820.

ANTONIO HUERTAS.

ST. AUGUSTINE, 13*th December*, 1820.

As he solicits, Don Andres Burgevin having accepted the commission, and taken the oath, and the contiguous neighbors having been summoned,

COPPINGER.

Before me:

JUAN DE ENTRALGO,
Notary of the Government.

In St. Augustine, on the same day, month, and year, I notified the preceding decree to Don Antonio Huertas; which I certify.

ENTRALGO.

On the same day, I notified to Don Andres Burgevin the appointment of surveyor conferred on him; whereupon he said that he would accept, and he did accept it, promising, under his legal oath, to perform well and faithfully the functions of his commission, according to his best knowledge and understanding; and he signed; which I certify.

BURGEVIN.

Before me:

JUAN DE ENTRALGO.

No. 3.

CERTIFICATE OF SURVEY OF SIX HUNDRED ACRES.

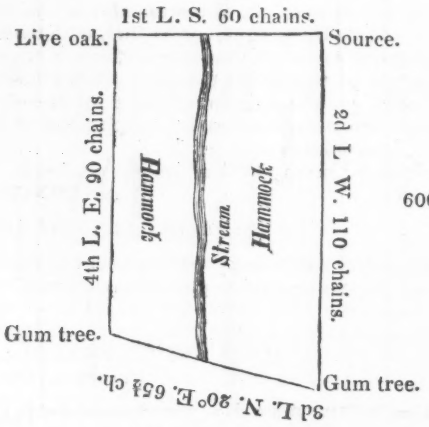
Translation.

I, Don Andres Burgevin, an inhabitant of this city, and private surveyor, do certify that, in consequence of the faculty conferred on me by decree of the 13th December, 1820, issued at the instance of Don Antonio Huertas, I have surveyed to him several parcels of land, to the amount of fifteen thousand acres of land, which were granted to him as a reward for his services, on a stream which runs from the west, and unites itself with the river St. John, about twelve miles distant, south of the Lake St. George. The tract being divided by the said stream, and one of the said parcels contain six hundred acres, which are bounded east by another of one thousand five hundred, west by another of ten thousand four hundred, and on the other sides

by vacant lands; the figure and demarcation of which are indicated in the plat which follows.

And in testimony thereof, I sign the present in St. Augustine of Florida, on the 5th April, 1821.

ANDRES BURGEVIN.



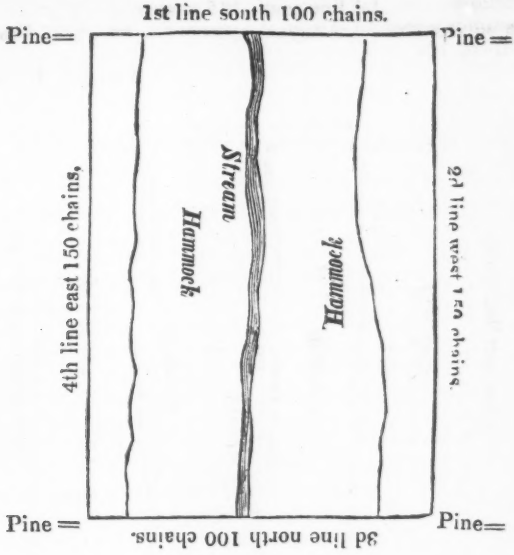
No. 4.

CERTIFICATE OF SURVEY OF FIFTEEN HUNDRED ACRES.

Translation.

I, Don Andres Burgevin, an inhabitant of this city, and private surveyor, do certify that, in consequence of the faculty conferred on me by a decree of the 13th December, 1820, issued at the instance of Don Antonio Huertas, I have surveyed in his favor several parcels of land, amounting to fifteen thousand acres, which were granted him as a reward for his services, on a stream which runs from the west, and unites itself with the St. John's river, about twelve miles south of the Lake St. George, the tract being divided by the said stream; and that one of the said parcels contains one thousand and five hundred acres, which are bounded east by another of two thousand and five hundred, west by another of six hundred, and on the other sides by vacant lands—the figure and demarcations of which are shown in the following plat; and, in testimony thereof, and for the purposes of the interested party, I sign the present in St. Augustine of Florida, 5th April, 1821.

ANDRES BURGEVIN.



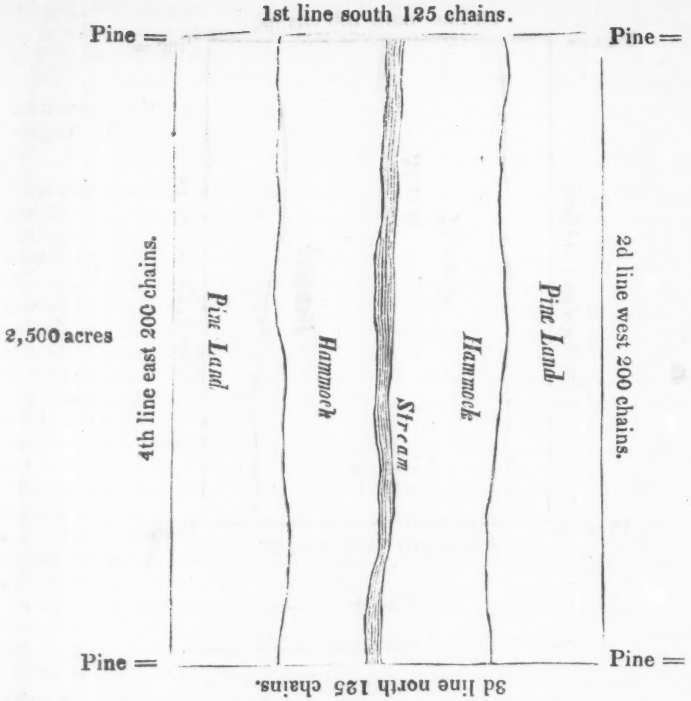
No. 5.

CERTIFICATE OF SURVEY OF 2,500 ACRES.

Translation.

I, Don Andres Burgevin, an inhabitant of this city, and private surveyor, do certify that, in consequence of the faculty conferred on me by a decree of the thirteenth of December, 1820, issued at the instance of Don Antonio Huertas, I have surveyed, in his favor, several parcels of land, amounting to fifteen thousand acres of land, which were granted to him as a reward for his services, on a stream which runs from the west, and unites itself with the river St. John, about twelve miles distant south of Lake George, the tract being divided by the said stream; and one of the said parcels, containing two thousand and five hundred acres, is the first surveyed, and is bounded west by another containing one thousand and five hundred acres, and on all the other sides by vacant lands, the figures and demarcations of which are described in the following plot: and in testimony thereof, and for the purposes of the interested party, I sign and seal the present in St. Augustine of Florida, 5th April, 1821.

ANDRES BURGEVIN.



No. 6.

CERTIFICATE OF SURVEY OF 10,400 ACRES.

Translation.

I, Don Andres Burgevin, an inhabitant of this city, and private surveyor, do certify that, in consequence of the faculty conferred on me by a decree of the thirteenth December, one thousand eight hundred and twenty, issued at the instance of Don Antonio Huertas, I have surveyed for him various tracts of land, forming fifteen thousand acres of land, which were granted to him as a reward for his services, on a stream running from the west, and uniting itself to the river St. John at about twelve miles south of the Lake St. George, the tract being divided by the said stream, and one of the parcels comprehending ten thousand and four hundred acres, which are bounded east by another of six hundred acres, and in other points by vacant lands. The figure and delineations thereof are indicated in the preceding plot. In testimony whereof, and for the convenience of the interested party, I sign the present in St. Augustine of Florida, on the fifth of April, one thousand eight hundred and twenty-one.

ANDRES BURGEVIN.

No. 7.

ROYAL TITLE TO HUERTAS FOR 600 ACRES.

Translation.

Don José Coppinger, colonel of the national armies, military governor, civil chief, and subdelegate of the public domain in this city of St. Augustine of Florida, and of the province thereof:

Whereas in the royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers of the regular and militia corps, and other persons of the province who contributed to the defence thereof in time of rebellion; one of the said favors consisting in the distribution of vacant lands, and in attention that Don Antonio Huertas has exhibited to me the distinguished and extraordinary services which he has rendered both in the defence of this place, and in supplying the garrison and the officers thereof in times of calamity and insurrection, sacrificing his private interests, and exposing himself to dangers in order to lend his aid to the preservation of the said garrison, as he did show it in his petition of the fifteenth of September, one thousand eight hundred and seventeen; in virtue of which, and of the notoriety of what he represented therein, and in virtue of my authority, I thought proper, in my decree of the same day, to accede to his request, by granting him, as I did grant, fifteen thousand acres of land on a stream which runs from the west, and unites itself with the river St. Johns, about twelve miles south of the Lake St. George, the tract to be divided by the said stream, and the survey of which having been performed by the private surveyor Don Andres Burgevin, in four separate parcels, in conformity to the faculty which I conferred on him by my decree of the thirteenth December, one thousand eight hundred and twenty, it results that one of the said parcels containing six hundred acres, is located in the following form: They are bounded east by another parcel of one thousand and five hundred acres, west by another of ten thousand and four hundred acres, and on the other sides by vacant lands. The first line runs south; it commences at a live oak marked =, and terminates at a laurel with the same mark, and measures sixty chains; the second line runs west, commencing at the said laurel, and terminates at a gum-tree, and measures one hundred and ten chains; the third line runs north 20° east, measuring sixty-five and a half chains; and the fourth line runs east, measuring ninety chains, commencing at a laurel with the same mark, and terminating at the mentioned live oak where the survey commenced, as it appears by the plot which he certified under date of the fifth instant; which, with the expedient relating thereto, exists registered in the office of the notary of the Government. Wherefore, and in attention to the said recommendable services, in accordance with the will of the sovereign, and with what the laws provide in relation to rewarding with distinction those who are entitled thereto, due attention being paid to the nature of the said services, and to the quality of those who render them, I have determined to grant, as in the name of his Majesty I do grant, to the aforesaid Don Antonio Huertas the mentioned six hundred acres of land in the indicated place, without prejudice of a third party, for himself, his heirs and successors in absolute property, and to issue to him, as I do hereby issue, the corresponding title; by which I divest the public domain of the

Pine

4th Line South 70° East 323 chains

Pine Land.

Pine

Hammock.

Creek

1st Line South 2

N 87° E 84 32.2 chains

uth 20° W. 322 Chains.

Pine

10,400 Acres.

2nd Line North 70° West 323 Chains.

Pine Land.

Hammock

Creek

3rd Line dem 20° E

Pine

right and dominion which it had to the said land, and I cede and transfer it to the mentioned Don Antonio Huertas, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights, and services, which it has had, has, and which in fact and of right appertain, and may relate thereto: and in order that, if it is their will, they may sell, cede, transfer, and alienate it, as may best suit them. To the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will.

Given under my signature, and countersigned by the subscriber, notary of the Government and of the public domain, in this said city of St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

JOSE COPPINGER.

By order of his Lordship:
JUAN DE ENTRALGO,
Notary of the Government and of the Public Domain.

No. 8.

ROYAL TITLE TO HUERTAS FOR FIFTEEN HUNDRED ACRES.

Translation.

Don Jose Coppinger, colonel of the national armies, military governor, civil chief, and sub-delegate of the public domain in this city of St. Augustine of Florida, and of the province thereof: Whereas, in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers of the regular and militia corps, and for other persons of this province who contributed to the defence thereof in time of rebellion, one of the said favors consisting in the distributions of vacant lands; and, in attention that Don Antonio Huertas has exhibited to me the distinguished and extraordinary services which he has rendered both in the defence of this place, and by supplying the garrison and the officers thereof in times of calamity and insurrection, sacrificing his private interest, and exposing himself to dangers in order to lend his aid to the preservation of the said garrison, as he has shown in his petition of the fifteenth of September, one thousand eight hundred and seventeen; in consideration of which, and of the notoriety of what he did represent therein, and in virtue of my authority, I thought proper, in my decree of the same day, to accede to his request, and to grant to him, as I did grant, fifteen thousand acres of land on a stream which runs from the west, and unites itself with the river St. John, about twelve miles south of the Lake St. George—the tract being divided by the said stream; and the survey of which having been performed by the private surveyor, Don Andres Burgevin, in four distinct parcels, in consequence of the faculty which I conferred on him by my decree of the thirteenth December, one thousand eight hundred and twenty, it results that one of the said parcels, containing one thousand and five hundred acres, is located in the following form: They are bounded east by another parcel of two thousand and five hundred acres, west by another of six hundred, and on the other sides by vacant lands. The first line runs south one hundred chains; the second west one hundred

and fifty chains; the third north one hundred chains; and the fourth east one hundred and fifty chains; each of the said lines commencing and terminating at Pines marked =, as it appears by the plat certified by the said surveyor, under date of the 5th instant, which, with the expedient relating thereto exists registered in the office of the notary of the Government: Wherefore, and in attention to the said recommendable services, in accordance with the will of the sovereign, and to the provisions of the laws in reference to rewarding with distinction those that are entitled thereto, due attention being paid to the nature of said services, and to the quality of the persons who render them, I have determined to grant, as in the name of his Majesty I do grant, to the aforesaid Don Antonio Huertas, the mentioned one thousand five hundred acres of land in the indicated place, without prejudice of a third party, for himself, his heirs, and successors, in absolute property; and to issue to him, as I do hereby issue, the corresponding title, by which I divest the public domain of the right and dominion which it had to the said tract; and I cede and transfer it to the mentioned Don Antonio Huertas, his heirs, and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses, customs, rights, and services, which it has had, has, and which in fact and of right appertain or may relate thereto; and in order if it is their will, they may cede, transfer, and alienate it, as may best suit them. To the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will.

Given under my signature, and countersigned by the subscribed notary of the Government, and of the public domain, in this city of St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,

Notary of the Government and of the Public Domain.

No. 9.

ROYAL TITLE TO HUERTAS FOR 2,500 ACRES.

Translation.

Don José Coppinger, colonel of the national armies, military governor and civil chief, and subdelegate of the public domain in this city of St. Augustine of Florida, and of the province thereof: Whereas, in a royal order of the twenty-ninth day of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers of the regular and militia corps, and for other persons of this province, who contributed to the defence thereof in time of rebellion, one of said favors consisting in the distribution of royal lands, and in attention that Don Antonio Huertas has exhibited to me the distinguished and extraordinary services which he has rendered both in the defence of this place, and in supplying the garrison and the officers thereof in times of calamity and insurrection,

sacrificing his private interests, and exposing himself to dangers, in order to lend his aid to the preservation of the said garrison, as it appears by his petition of the fifteenth of September, one thousand eight hundred and seventeen, in consideration of which, and of the notoriety of what he represents therein, and in virtue of my authority, I thought proper, in my decree of the same day, to accede to his request, and to grant to him, as I did grant, fifteen thousand acres of land on a creek which runs from the west, and unites itself with the river St. John, about twelve miles distant, south of the Lake St. George, the said tract being to be divided by the said stream, the survey of which having been performed by the private surveyor Don Andres Burgevin, in four separate parcels, in conformity to the faculty which I conferred on him by my decree of the thirteenth December, one thousand eight hundred and twenty, it results that one of the said parcels, containing two thousand five hundred acres, is located in the form following: they are bounded west by another parcel of one thousand and five hundred acres, and on the other sides by vacant lands: the first line runs south, commencing at a pine marked =, and terminating at another with the same mark, and measuring one hundred and twenty-five chains; the second line runs west two hundred chains; the third line runs north one hundred and twenty-five chains; and the fourth line runs east two hundred chains; each of the said lines commencing and terminating at pines marked as the preceding, as it appears by the plat made by the surveyor, under date of the 5th inst., which, with the expedient relating thereto, exist registered in the notary's office of the Government. Therefore, and in consideration of the said recommendable services, in accordance with the will of the sovereign, and in consideration of the provisions of the laws, ordering to reward with distinction those who are entitled to it, due attention being paid to the nature of said services, and to the quality of those who render them, I have determined to grant, as in the name of his Majesty I do grant, to the aforesaid Don Antonio Huertas, the mentioned two thousand and five hundred acres of land in the indicated place, without prejudice to a third party, for himself, his heirs, and successors, in absolute property; and to issue to him, as I do hereby issue the corresponding title, by which I divest the public domain of the right and dominion which it had to the said tract, and I cede and transfer it to the mentioned Don Antonio Huertas, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets, outlets, uses and customs, rights and services, which it has had, has, and which in fact and of right appertain and may relate thereto; and in order that, if it is their will, they may sell, cede, transfer, and alienate the same as may best suit them. To the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will. Given under my signature, and countersigned by the subscribed notary of the Government and of the public domain, in this city of St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

JOSE COPPINGER.

By order of his Lordship:

JUAN DE ENTRALGO,

Notary of the Govt. and of the Public Domain.

No. 10.

ROYAL TITLE TO HUERTAS FOR 10,400 ACRES.

Translation.

Title of property in favor of Don Antonio Huertas for ten thousand four hundred acres of land in the place therein expressed.

Don Jose Coppinger, colonel of the national armies, military governor, civil chief, and subdelegate of the public domain in this city of St. Augustine of Florida, and in the province thereof: Whereas, in a royal order of the twenty-ninth of March, one thousand eight hundred and fifteen, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the regular and militia corps, and other persons of this province who contributed to the defence thereof in time of rebellion, one of the said favors consisting in the distribution of vacant lands, and in attention that Don Antonio Huertas has exhibited to me the distinguished and extraordinary services which he has rendered in defending this place, and in supplying the garrison, and the officers of the Government thereof, in times of calamity and insurrection, sacrificing his personal interests, and exposing himself to dangers in order to contribute to the preservation of the said garrison, and as he has manifested in his petition of the fifteenth of September, one thousand eight hundred and seventeen; in virtue of which, and of the notoriety of what he has represented therein, and in virtue of my authority, I thought proper, in my decree of the same day, to accede to his request by granting him, as I do grant to him, fifteen thousand acres of land on a stream which runs from the west, and unites itself with the river St. John about twelve miles distant, south of the Lake George, the tract being divided by the said stream, the survey of which having been performed by the private surveyor, Don Andres Burgevin, who separated the tract in four parcels, in consequence of the faculty conferred on him by my decree of the thirteenth of December, one thousand eight hundred and twenty, it results that one of them, containing ten thousand four hundred acres, has been located in the manner following: Said parcel is bounded east by another of six hundred acres, and on the other sides by vacant lands: the first line runs south twenty degrees west, measuring three hundred and twenty-two chains; the second line runs north seventy degrees west, measuring three hundred and twenty-three chains; the third line runs north twenty degrees east, measuring three hundred and twenty-two chains; and the fourth line runs south seventy degrees east, measuring three hundred and twenty-three chains, and each of the said lines commences and terminates at pines, marked =, as it appears by the plat authenticated by the said surveyor, under date of the fifth instant, which, with the expedient relating thereto, exists in the office of the notary of the Government. Therefore, and in attention to said recommendable services, and in accordance with the will of the sovereign, and with what provide the laws in order to reward with distinction those who are entitled to reward, attention being paid to the quality of said services, and to that of the persons who render them, I have determined to grant, as in the name of his Majesty I do grant, to the said Don Antonio Huertas the mentioned ten thousand and four hundred acres of land in the indicated place, without pre-

judice to a third party, for himself, his heirs, and successors, in absolute property, and to issue to him, as I do hereby issue, the corresponding title by which I divest the public domain of the right and dominion which it had to the said tract; and I cede and transfer the same to the said Don Antonio Huertas, his heirs and successors, in order that, in consequence thereof, they possess it as their own, use and enjoy it without any incumbrance whatever, with all its inlets and outlets, uses, customs, rights, and services which it has had, has, and which of fact and of right appertain and may relate thereto; and in order that, if it is their will, they may sell, cede, transfer and alienate it as may best suit them. To the whole of which I interpose my judicial authority as far as I can, and of right ought, in virtue of what has been exposed, and of the sovereign will. Given under my signature, and countersigned by the subscribed notary of the Government and of the public domain, in this said city of St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

JOSE COPPINGER.

By order of his Lordship:
JUAN DE ENTRALGO,
Notary of the Govt. and of the Public Domain.

It is conform to the original thereof, which exists in the archives under my charge, to which I refer; and at the request of the party, I sign and seal the present certificate in three sheets of common paper, as stamped paper is not used. St. Augustine of Florida, on the tenth of April, one thousand eight hundred and twenty-one.

[L. S.]

JUAN DE ENTRALGO.
Notary of the Govt. and of the Public Domain.

TRANSFER FROM HUERTAS TO ENTRALGO OF 10,400 ACRES.

I cede and renounce in favor of Don Juan Blas de Entralgo all the right, title, and dominion, which I have to the ten thousand and four hundred acres of land contained in this document of ownership, as I have sold them to him for the sum of five thousand dollars, of wnich I give him a formal receipt. St. Augustine of Florida, on the 4th December, 1821.

ANTO. HUERTAS.

Witness present: DOMINGO REYES.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of May, in the year of our Lord one thousand eight hundred and thirty-two, to which term this cause had come by regular continuance, to wit, on Wednesday the fifteenth day of said term, and the twenty-third of said month, the following decree of confirmation was entered of record in this cause, to wit:

DECREE OF CONFIRMATION.

ANTONIO HUERTAS,
against
THE UNITED STATES OF AMERICA. } *Land claim* 15,000 *acres.*

Whereas, Antonio Huertas did, in pursuance of the act of Congress of the United States, entitled "An act supplementary to the "several acts providing for the settlement and confirmation of private land claims in Florida,"

and approved 23d day of May, 1828, on the 21st day of May, 1829, filed his petition for the confirmation of certain lands therein mentioned in the clerk's office of the superior court for the eastern district of Florida. And whereas the attorney of the United States for this district did duly appear and answer said petition; and this cause coming on to be heard this day, the said claimant, by his counsel, offered in evidence a copy from the office of the keeper of the public archives of the original grant on which this claim is founded, to the receiving of which in evidence the said attorney for the United States objected, alleging that the original grant *itself* should be produced, and its *execution* proved, before it could be admitted in evidence, and that the original only could be received in evidence; which objection was overruled by the court, and the copy from the office of the keeper of the public archives, certified according to law, was ordered to be received in evidence; and the court further ordered that though, by the express statute of this Territory, copies are to be received in evidence, yet in cases where either the claimant or the United States shall suggest that the original in the office of the keeper of the public archives is deemed necessary to be produced in court; on motion therefor, a subpœna will be issued by order of the court to the said keeper to appear and produce the said original in court for due examination there. And such proceedings having been had herein, as that this claim was submitted to the court for its decree thereon, and the said court having examined the claim of the said petitioner and the answer of the attorney of the United States, together with the evidence filed herein, and having maturely considered the same, doth *order, adjudge,* and *decree,* that this claim is *valid,* and that in accordance with the laws and customs of Spain, and under and by virtue of the late "treaty of amity, settlements and limits, between the United States of America and the King of Spain," ratified by the President of the United States on the 22d February, 1821, and under and by virtue of the laws of nations and of the United States, it is hereby *confirmed, adjudged* and *decreed* unto the said claimant to the extent, and agreeably to the boundaries, as in the grants for the said land, and the plats of the four surveys thereof made by Don Andrew Burgevin, and dated the 5th day of April, 1821, and filed herein, is set forth, to wit: The first survey is of six hundred acres, being part and parcel of said fifteen thousand acres, which said fifteen thousand acres are situated on a stream which runs from the west, and unites itself with the river St. Johns, about twelve miles distant south of the Lake St. George, the said fifteen thousand acres being divided by said stream, which said six hundred acres, part and parcel as aforesaid, east by another tract of fifteen hundred acres, west by another tract of ten thousand four hundred acres, and on all other sides by vacant lands, and has the following lines as set forth in the said survey thereof. The first line runs from a live oak south sixty chains, to a laurel; the second line runs from said laurel west one hundred and ten chains, to a gum tree; the third line runs from said gum tree to another north twenty degrees east, sixty-five and a half chains; the fourth line runs east ninety chains from said last named gum tree, to the live-oak tree at the beginning. The second survey is of fifteen hundred acres, another parcel of said fifteen thousand acres, which said tract of fifteen hundred acres is bounded east by another of two thousand five hundred acres, west by another of six hundred acres, and on all other sides by vacant lands, and has the following lines, as set forth in the said survey thereof, to wit: The first line begins at a pine tree, and runs south one hundred chains, to another pine tree; the

second line begins at said pine tree, and runs west one hundred and fifty chains, to another pine tree; the third line runs north one hundred chains from said last mentioned pine to another; and the fourth line runs from said pine tree, east one hundred and fifty chains, to the pine tree at the beginning. The third survey is of two thousand five hundred acres, which said tract of two thousand five hundred acres, another parcel of said tract of fifteen thousand acres, is bounded west by another containing fifteen hundred acres, and on all other sides by vacant lands, and has the following lines, as set forth in the said survey thereof, to wit: The first line runs from a pine tree south one hundred and twenty-five chains, to another pine tree; the second line runs from said pine tree west two hundred chains, to another pine tree; the third line runs from said pine tree north one hundred and twenty-five chains, to another pine tree; and the fourth line runs from said pine tree east two hundred chains, to the pine tree at the beginning. The fourth survey is of ten thousand four hundred acres, another parcel of said tract of fifteen thousand acres, which said tract of ten thousand four hundred acres is bounded east by another of six hundred acres, and on all other sides by vacant lands, and has the following lines, as set forth in the said survey thereof, to wit: The first line begins at a pine tree, and runs south twenty degrees west three hundred and twenty-two chains, to another pine tree; the second line begins at said pine tree, and runs north seventy degrees west three hundred and twenty-three chains, to another pine tree; the third line begins at said pine, and runs north twenty degrees east three hundred and twenty-three chains, to another pine; and the fourth line runs from said pine south seventy degrees east three hundred and twenty three chains, to the pine tree at the beginning of the first line.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of October, in the year of our Lord one thousand eight hundred and thirty-two, to wit: on Saturday, the sixth day of said term, and the sixth of said month, the following appeal was entered of record in this cause, to wit:

APPEAL.

ANTONIO HUERTAS,
against
THE UNITED STATES OF AMERICA. } Land claim—15,000 acres.

This day came Thomas Douglass, esquire, attorney of the United States for this district, and moved the court that an appeal be granted in this case on behalf of the said United States, from the decree of this court, to the Supreme Court of the United States; which is granted accordingly.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house in the city of St. Augustine, at the term of May, in the year of our Lord one thousand eight hundred and thirty-three, to wit: on Monday the eighteenth day of said term, and the tenth day of June, the following entry of record was made in this cause, to wit:

REVIVAL OF APPEAL.

THE UNITED STATES,
ats.
ANTONIO HUERTAS. } Land claim—15,000 acres.

Now, on this day, came Thomas Douglass, esquire, United States' attorney for the district of East Florida, and suggests to the court now here that,

since the granting of the appeal in the above cause to the Supreme Court of the United States, a term of said court has intervened, and that the record herein has not been sent up to the said court. Wherefore, the said attorney, on behalf of the said United States, prays that the said appeal may be revived, and the order therefor extended; and a copy of the record in said cause, duly certified, may be sent up to the said Supreme Court before the first day of the next term thereof, to be holden on the second Monday of January next; and that citation, with notice of said appeal, may be forthwith issued by the clerk of this court to the appellee, and that the same may be served by the marshal of said district upon the said appellee, or his solicitor or agent, and returned to this court within thirty days from the issuing thereof—which is ordered accordingly.

And afterwards, on the eleventh day of June, in the year 1833, a citation of appeal, in pursuance of the above order, was issued in this case; which words and the return of the marshal of this district thereon, are in the citation, and figures following, to wit:

CITATION OF APPEAL.

In the name, and by the authority of the United States of America—To Antonio Huertas, or to his agent, attorney, or solicitor, greeting:

You are hereby cited and admonished that an appeal has been taken on the part of the United States from the decree of the superior court of East Florida to the Supreme Court of the United States, in a certain claim to fifteen thousand acres of land, wherein you, the said Antonio Huertas, are claimant, and the said United States respondent; and that the record in said cause will be forwarded to the said Supreme Court, to be placed on the docket of said court at the next term thereof, to be holden on the second Monday of January next.

Witness, the honorable Robert Raymond Reid, judge of our said [SEAL.] superior court, at the court-house in the city of St. Augustine, this eleventh day of June, A. D. 1833.

GEORGE GIBBS, *Clerk.*
Per. K. B. GIBBS, *Deputy Clerk.*

THOS. DOUGLASS, *U. S. att'y for East Florida.*
B. A. PUTNAM, *Att'y for Claimant.*

"Executed, by delivering a true copy to B. A. Putnam, esquire, attorney for the within named Antonio Huertas, the said Huertas not being found in my district. June 18th, 1833.

SAMUEL BLAIR, *Marshal.*"

Superior Court, district of East Florida, to wit:

I, George Gibbs, clerk of the said court for the district aforesaid, do hereby certify that the foregoing forty-one pages contain a full, true, and complete transcript of the record and proceedings had in the case therein named, in my charge.

In testimony whereof, I have hereunto set my hand, at the city of St. Augustine, this first day of July, one thousand eight hundred and thirty-three.

GEO. GIBBS, *Clerk.*